

TUESDAY, JUNE 16, 1998

Civil CITY OF RICHMOND (CERTIFIED FOR PUBLICATION)
No. vs.
C026835 COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA, DEPARTMENT OF FINANCE
THE COURT:

The opinion in the above entitled matter filed on May 28, 1998, was not certified for publication in the Official Reports. For good cause it now appears that the opinion should be published in the Official Reports and it is so ordered.

FOR THE COURT:

MORRISON, J.
PUGLIA, P.J.
NICHOLSON, J.

At 9:30 a.m., the court met in the Library & Courts Building for a continuation of court calendar session.

PRESENT: BLEASE, Acting Presiding Justice
MORRISON, Associate Justice
HULL, Associate Justice

Bailiff: Conrad
Calendar called.

Civil WILLIAM G. KIRKPATRICK ET AL. ETC.
No. vs.
C026817 WESTAMERICA BANK

Cause called. Charles A. Hansen, of Wendel, Rosen, Black, & Dean argued for Plaintiffs-Appellants. Patricia H. Cullison, of Bronson, Bronson & McKinnon argued for Defendant-Respondent. Hartley T. Hansen, of Hansen, Boyd, Culhane & Watson appeared for Plaintiffs-Appellants. Cause submitted.

Court adjourned at 10:20 a.m., until Wednesday, June 17, 1998

TUESDAY, JUNE 16, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026758 ERIC GAITAN PEREZ
 The judgment is affirmed.
 MORRISON, J.
 We concur: PUGLIA, P.J.
 RAYE, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C027147 MARK ALLEN BELAND
 The judgment is affirmed.
 MORRISON, J.
 We concur: BLEASE, Acting P.J.
 SIMS, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026855 JOVAN NICOLAI YOVANOVICH
 The judgment is modified to stay the execution of sentence on count II, the stay to become permanent once service of sentence on count I is completed. As modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect the modification and to send a certified copy of the amended abstract to the Department of Corrections.
 SCOTLAND, J.
 We concur: BLEASE, Acting P.J.
 DAVIS, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C025952 DAVID TRAMONTINI
 The judgment is affirmed.
 DAVIS, J.
 We concur: PUGLIA, P.J.
 BLEASE, J.

TUESDAY, JUNE 16, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C26222 JASON EARNEST EVANS

The judgment is affirmed.

SCOTLAND, J.

We concur: BLEASE, Acting P.J.
 NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026881 DAVID CECIL TUGGLE

The order imposing two 1-year terms for the two prior prison term enhancements is vacated and the case remanded to the trial court to permit the court to exercise its discretion whether to strike the punishment imposed for either or both of the enhancements and, if necessary, to reimpose sentence thereon. In all other respects, the judgment is affirmed.

MORRISON, J.

We concur: PUGLIA, P.J.
 RAYE, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C027663 KENNETH HAROLD CLUMPUS

The judgment is affirmed.

RAYE, J.

We concur: PUGLIA, P.J.
 DAVIS, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C027258 DOUGLAS LEE CHINN

The judgment of conviction of battery (count II) is reversed, and the trial court is directed to dismiss that count. In all other respects, the judgment is affirmed.

SCOTLAND, Acting P.J.

We concur: RAYE, J.
 HULL, J.

TUESDAY, JUNE 16, 1998 CONTINUED

Juvenile In re JENNY T., a Person Coming Under the Juvenile Court Law
No. THE PEOPLE (Not for Publication)
C027365 vs.

JENNY T.

The judgment is affirmed.

RAYE, J.

We concur: PUGLIA, P.J.
 DAVIS, J.

Civil NANCY J. HUBOCK (Not for Publication)
No. vs.
C027110 LODI UNIFIED SCHOOL DISTRICT

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: SCOTLAND, J.
 MORRISON, J.

Juvenile IN RE ALAINA F., A Minor Coming Under the Juvenile Court Law
No. HUMAN SERVICES AGENCY
C028560 vs. (Not for Publication)

KINOWA O.

The order terminating parenting rights is affirmed.

DAVIS, J.

We concur: PUGLIA, P.J.
 BLEASE, J.

Civil IN RE MARRIAGE OF RICHARD ALLEN AND SHARON L.
No. SCHUSTER (Not for Publication)
C026554 RICHARD ALLEN SCHUSTER

vs.

SHARON L. SCHUSTER

The "AMENDED ORDER FOR CHILD SUPPORT" entered April 2, 1997, is reversed. The judgment, "ORDER FOR CHILD SUPPORT," entered March 6, 1997, is affirmed. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 26 (a) .)

SCOTLAND, J.

We concur: BLEASE, Acting P.J.
 NICHOLSON, J.

TUESDAY, JUNE 16, 1998 CONTINUED

Juvenile In re ALEJANDRO P. a Person Coming Under the Juvenile Court Law
No. THE PEOPLE (Not for Publication)
C027216 vs.
 ALEJANDRO P.

The judgment is affirmed.

MORRISON, J.

We concur: SIMS, Acting P.J.
 RAYE, J.

WEDNESDAY, JUNE 17, 1998

MISC-ORDER

98-05 By the Court:

Associate Justice Richard M. Sims III is appointed to serve as Acting Presiding Justice to discharge the duties described in Rules 75, 76, 77 and 78 of the California Rules of Court during the absence of the Presiding Justice from the Court for the period of June 25, 1998, through June 26, 1998, or until his return. (See Cal Const. Art 6, Sec. 3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

Dated: June 17, 1998

PUGLIA, P.J.

MISC-ORDER

98-06 By the Court:

Associate Justice Coleman A. Blease is appointed to serve as Acting Presiding Justice to discharge the duties described in Rules 75, 76, 77 and 78 of the California Rules of Court during the absence of the Presiding Justice from the Court for the period of July 1, 1998, through July 2, 1998, or until his return. (See Cal. Const. Art 6, Sec 3) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

Dated: June 17, 1998

PUGLIA, P.J.

WEDNESDAY, JUNE 17, 1998 CONTINUED

Civil
No.
C027642

LOWELL NOVY ET AL.

vs.

SISKIYOU COUNTY AIR POLLUTION ETC. ET AL.

BY THE COURT:

Pursuant to the written stipulation of counsel, the appeal filed on September 26, 1997 is dismissed. It is further ordered pursuant to said stipulation that the remittitur issue forthwith and that the parties will bear their own costs on appeal.

Dated: June 17, 1998

PUGLIA, P.J.

At 9:30 a.m., the court met in the Library & Courts Building for a continuation of court calendar session.

PRESENT: SIMS, Acting Presiding Justice
 RAYE, Associate Justice
 CALLAHAN, Associate Justice

Bailiff: Conrad
Calendar called.

Civil
No.
C023520

ROBERT F. LEE

vs.

FAIR OAKS CEMETERY DISTRICT

Cause called. Brenton A. Bleier argued for Defendant-Appellant. Stephen A. Mandell argued for Plaintiff-Respondent. Alan C. Campbell, of Bleier Law Firm appeared for Defendant-Appellant. Cause submitted.

At 9:51 a.m., court recessed. At 9:55 a.m., court reconvened with Presiding Justice Puglia, Associate Justice Sims, and Associate Justice Raye.

WEDNESDAY, JUNE 17, 1998 CONTINUED

Civil LEROY BROWN

No. vs.

C027468 JAMES P. DARRAH

Cause called. Leroy Brown argued for Himself in Pro Per as Plaintiff-Appellant. James P. Darrah argued for Himself in Pro Per as Defendant-Respondent. Cause submitted.

At 10:01 a.m., court recessed. At 10:06 a.m., court reconvened with Acting Presiding Justice Sims, Associate Justice Morrison, and Associate Justice Callahan.

Crim. THE PEOPLE

No. vs.

C024401 STEVEN BETTI

Elaine Forrester argued for Defendant-Appellant. Matthew L. Cate, Deputy Attorney General, argued for Plaintiff-Respondent. Cause submitted.

At 10:29 a.m., court recessed. At 10:33 a.m., court reconvened with the same panel except Acting Presiding Justice Raye in place of Acting Presiding Justice Sims.

Civil MARRIAGE OF ROBINSON

No. MARIA ELENA ROBINSON

C026592 vs.

JOHN SCOTT ROBINSON, III

Cause called. Jennifer Horne, of Legal Services of Northern California argued for Appellant. Lawrence R. Allen, District Attorney argued for Respondent. Gary F. Smith, of Legal Services of Northern California appeared for Appellant. Cause submitted.

WEDNESDAY, JUNE 17, 1998 CONTINUED

Civil PAUL H. STAVIG ETC. ET AL.
No. vs.
C026592 JOHN P. HENDERSON ET AL.

Cause called. Edward C. Koons, of Johanson, Koons & Constantino argued for Defendants-Appellants. William L. Dunbar, of Dunbar & Vodonick argued for Plaintiff-Respondents. Cause submitted.

At 11:15 a.m., court recessed. At 2:00 p.m., court reconvened with Presiding Justice Puglia, Associate Justice Sims, and Associate Justice Raye.

Civil MICHAEL D. BUNNELL
No. vs.
C025611 DEPARTMENT OF CORRECTIONS

Cause called. James E. McGlamery argued for Plaintiff-Appellant. Paul D. Warenski, of Schacter, Kristoff, Orenstein & Berkowitz argued for Defendant-Respondent. Cause submitted.

Civil CONSERVATIONSHIP OF AMINE NODINE
No. MARALYN HUNTER, AS CONSERVATOR, ETC.
C027646 vs.
MARALYN HUNTER, INDIVIUALLY. ETC.

Cause called. James A. Walker argued for Petitioner-Appellant and Objector-Respondent. Cause submitted.

At 2:47 p.m., court recessed. At 2:51 p.m., court reconvened with Acting Presiding Justice Sims, Associate Justice Morrison, and Associate Justice Hull.

Crim. THE PEOPLE
No. vs.
C027275 TROY DEE EMMETT

Cause called. Christopher H. Wing argued for Defendant-Appellant. Ruth M. Saavedra, Deputy Attorney General argued for Plaintiff-Respondent.

Court recessde at 3:20 p.m., until 9:30 a.m., June 19, 1998.

WEDNESDAY, JUNE 17, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C027785 RANDALL POTTER WOODS

The order granting probation is ordered corrected to reflect a three-year state prison term was imposed. Probation condition number 13 is modified to provide, "The defendant shall not associate with people he knows or reasonably should know are drug or illegal substance abusers or be in any place where he knows or reasonably should know illegal drugs are used or sold."..... The judgment is otherwise affirmed.

RAYE, J.

We concur: PUGLIA, P.J.
 NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C027620 PHILLIP MICHAEL WILCOX

The judgment is affirmed.

NICHOLSON, J.

We concur: DAVIS, Acting P.J.
 HULL, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026368 IAN ROBERT WRIGHT

The judgment is affirmed.

NICHOLSON, J.

We concur: PUGLIA, P.J.
 RAYE, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C027505 ARRTELL WOODFORD

The judgment is affirmed.

RAYE, J.

We concur: PUGLIA, P.J.
 HULL, J.

THURSDAY, JUNE 18, 1998

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026593 JERRY BRENTON NUTT

THE COURT:

It is ordered that the concurring opinion filed herein on June 4, 1998, be modified in its entirety to read as follows:

1.

PUGLIA, P.J.

2. This modification does not change the judgment.

BY THE COURT:

PUGLIA, P.J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026601 PHILLIP RAY EDWARDS

The judgment is affirmed.

SCOTLAND, J.

We concur: PUGLIA, P.J.
 CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C025118 PAUL TIRAPELLE ET AL.

The order is affirmed.

NICHOLSON, J.

We concur: PUGLIA, P.J.
 MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C027399 DAMON MERVIN STUTESMAN

The judgment is modified by reducing the section 1202.4 restitution fine to \$200 and by striking the section 1202.45 restitution fine. As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment to reflect these modifications, and to forward a certified copy of the amended abstract to the Department of Corrections.

SCOTLAND, J.

We concur: PUGLIA, P.J.
 CALLAHAN, J.

THURSDAY, JUNE 18, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
No. vs.
C028164 CLIFFORD ROY DOYLE
.....As modified, the judgment is affirmed.
RAYE, J.
We concur: PUGLIA, P.J.
HULL, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C026968 TOMMY LEE ENOS SPARHAWK
The judgment is affirmed.
BLEASE, Acting P.J.
We concur: NICHOLSON, J.
CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C024885 CARL CALLEGARI

The judgment is affirmed.

CALLAHAN, j.

We concur: SCOTLAND, Acting P.J.
NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C025016 TRICE LENARD SPARKS
The judgment is affirmed.
CALLAHAN, J.
We concur: BLEASE, Acting P.J.
NICHOLSON, J.

Civil
No.
C024798

RUTH MACDOUGALL ET AL.
vs.
THOMAS J. PERRY

The judgment is affirmed. Defendant shall recover his costs on appeal.

SIMS, J.

We concur: PUGLIA, P.J.
HULL, J

THURSDAY, JUNE 18, 1998 CONTINUED

Civil STEVEN LUWISCH ET AL.
No. vs.
C025371 MICHAEL BOLTON ET AL.

The judgment is affirmed. Defendants shall recover their costs on appeal.

SIMS, J.

We concur: BLEASE, Acting P.J.
RAYE, J.

Civil LEROY BROWN (Not for Publication)
No. vs.
C027468 JAMES P. DARRAN

The judgment is affirmed.

SIMS, J.

We concur: PUGLIA, P.J.
RAYE, J.

FRIDAY, JUNE 19, 1998

Civil STEPHEN R. TOWNZEN (CERTIFIED FOR PUBLICATION)
No. vs.
C026578 COUNTY OF EL DORADO
THE COURT:

It is ordered that the opinion filed on June 4, 1998, be modified in its entirety to read as follows:.....

This modification does not change the judgment.

CERTIFIED FOR PUBLICATION

The opinion is the above entitled matted filed on June 4, 1998, was not certified for publication in the Official Reports. For good cause it now appears that the opinion, except for Part I thereof, should be published in the official reports and it is so ordered.

BY THE COURT:

PUGLIA, P.J.
DAVIS, J.
NICHOLSON, J.

FRIDAY, JUNE 19, 1998

Crim. THE PEOPLE (Not for Publication)
No. vs.
C025289 DAVID BRYAN TIPP

THE COURT:

It is ordered that the opinion filed herein on June 8, 1998, be modified in the following

This modification does not change the judgment.

BY THE COURT:

PUGLIA, P.J.
SIMS, J.
NICHOLSON, J.

At 9:30 a.m., the court met in the Library & Courts Building for a continuation of court calendar session.

PRESENT: BLEASE, Acting Presiding Justice
 SCOTLAND, Associate Justice
 CALLAHAN, Associate Justice

Bailiff Rios.
Calendar called.

Civil COUNTY OF LASSEN
No. vs.
C025169 EVERD A. McCAIN ET AL.

Cause called. John M. Latini, of Balfrey & Latini argued for Plaintiff-X-Defendant-Appellant. Hiram S. Dillin, of Dillin & Bader argued for Defendant-X-Complainant-Respondent Ford Construction Company. Brad L. Fuller, of Fuller & Associates argued for Defendants-X-Complainants-Respondents Everd A. McCain et al. Cause submitted.

Court adjourned at 9:50 a.m., until 9:30 a.m., Monday June 22, 1998.

FRIDAY, JUNE 19, 1998 CONTINUED

Civil SIERRA CLUB (Certified for Publication)
 No. vs.
 C027361 SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION
 CALIFIA DEVELOPMENT GROUP ET AL.
 The judgment (order of dismissal) is affirmed.(CERTIFIED FOR
 PUBLICATION.)

BLEASE, J.

I concur: RAYE, J.
 I concur in the judgment and the opinion except
 PUGLIA, P.J.

Civil PAUL H. STAVIG, individually and as Trustee, etc.
 No. vs.
 C026592 JOHN P. HENDERSON ET AL.
 The judgment is affirmed.

CALLAHAN, J.

We concur: RAYE, Acting P.J.
 MORRISON, J.

Juvenile In re BENJAMIN H., a Person Coming Under the Juvenile Court Law.
 No. THE PEOPLE (Not for Publication)
 C028024 vs.
 BENJAMIN H.
 The judgment is affirmed.

CALLAHAN, J.

We concur: SIMS, Acting P.J.
 SCOTLAND, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026973 KENYANNA TRUEMAINE WEBSTER
 The judgment is affirmed.

NICHOLSON, J.

We concur: PUGLIA, P.J.
 CALLAHAN, J.

FRIDAY, JUNE 19, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C028091 TOMMIE LEE SMITH
 The judgment is affirmed.
 NICHOLSON, J.
 We concur: PUGLIA, P.J.
 RAYE, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026616 WALLACE CLAYTON
 The judgment is affirmed.
 BLEASE, J.
 We concur: PUGLIA, P.J.
 DAVIS, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C025557 PAUL ANGELO MARTINEZ
 The judgment is affirmed.
 NICHOLSON, J.
 We concur: PUGLIA, P.J.
 SIMS, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C025651 EVERETT LYNELL MCCOY
 The judgment is affirmed.
 HULL, J.
 We concur: DAVIS, Acting P.J.
 NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C027946 GARY JAY GROMACKI
 The judgment is affirmed.
 HULL, J.
 We concur: PUGLIA, P.J.
 RAYE, J.

FRIDAY, JUNE 19, 1998 CONTINUED

Crim. No. C027709	THE PEOPLE vs. JOEL VILLANUEVA HERNANDEZ	(Not for Publication)
	The judgment is affirmed.	
		CALLAHAN, J.
	We concur	BLEASE, Acting P.J. SIMS, J.
Crim. No. C025182	THE PEOPLE vs. GREGORIO ALCARAZ MALDONADO	(Not for Publication)
	The judgment is affirmed.	
		DAVIS, J.
	We concur:	PUGLIA, P.J. RAYE, J.
Crim. No. C025953	THE PEOPLE vs. MAURICE COOK	(Not for Publication)
	The judgment is affirmed.	
		SCOTLAND, J.
	We concur:	PUGLIA, P.J. CALLAHAN, J.
Civil No. C027350	MARTHA FLETCHER vs. RICHARD FLOWERS	(Not for Publication)
	The judgment is reversed. Plaintiff shall recover costs on appeal.	
		BLEASE, J.
	We concur:	PUGLIA, P.J. RAYE, J.
Civil No. C026357	MARK BACHMAN vs. COUNTY OF SAN JOAQUIN ET AL.	(Not for Publication)
	The judgment is affirmed.	
		BLEASE, Acting P.J.
	We concur:	SCOTLAND, J. MORRISON, J.

MONDAY, JUNE 22, 1998

At 9:30 a.m., the court met in the Library & Courts Building for a continuation of court calendar session.

PRESENT: SIMS, Acting Presiding Justice
 SCOTLAND, Associate Justice
 MORRISON, Associate Justice

Bailiff: Rios.
Calendar called.

Civil TED STEVENSON ET AL.
No. vs.
C26195 JAMES W. BAUM ET AL.

Cause called. Peter J. Stubbs argued for Plaintiffs-Appellants.
Daniel J. Schroeder, of Neumiller & Beardslee argued for Defendants-Respondents. Cause submitted.

Civil W.W.S.M. INVESTORS
No. vs.
C027243 GREVE, CLIFFORD, DIEPENBROCK & PARAS

Cause called. Thomas Casazza argued for Plaintiff-Respondent.
Thomas A. Branson, of Branson, Fitzgerald & Howard argued for Defendant-Respondent. Cause submitted..

At 10:15 a.m., court recessed. Court reconvened at 10:18 a.m., with Presiding Justice Puglia, Associate Justice Sims, and Associate Justice Scotland.

Civil PEARSON-TAYLOR FUND ET AL.
No. vs.
C025117 DONALD MARLETTE ET AL.

Cause called. Theodore B. Kiviat, of Dapeer, Rosenblit & Litvak argued for X-Complainants-Appellants. Bernard P. Simons, of Sanders, Barnet, Goldman, Simons & Mosk argued for X-Defendants-Respondents. Cause submitted.

MONDAY, JUNE 22, 1998 CONTINUED

Civil COAST MOTORS, INC.
No. vs.
C026482 GENERAL MOTORS CORPORATION

Cause called. Wallace M. Allan, of O'Melveny & Myers argued for RPI-Appellant. William S. Davis, of Arter & Hadden argued for Plaintiff-Respondent.

At 11:11 a.m., court recessed. At 11:16 a.m., court reconvened with Presiding Justice Puglia, Associate Justice Raye, and Associate Justice Morrison.

Civil LENA M. DERRAH ETC.
No. vs.
C023341 FRANKLIN S. CIBULA ET. AL.

Cause called. Mark Hanbury Cibula, of Cibula & Cibula argued for Defendants-Appellants-X-Respondents. Michael Brooks Carroll argued for Plaintiff-Respondent-X-Appellant. Cause submitted.

Court adjourned at 11:46 a.m., until 9:30 a.m., Friday, July 17, 1998.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C026738 JUSTIN PAUL SAENZ

The judgment is affirmed.

RAYE, J.

We concur: PUGLIA, P.J.
 SIMS, J.

Civil MICHAEL D. BUNNELL (CERTIFIED FOR PARTIAL PUBLICATION)
No. vs.
C025611 DEPARTMENT OF CORRECTIONS

The judgment is affirmed. CDC shall recover its costs on appeal.
(CERTIFIED FOR PARTIAL PUBLICATION.)

SIMS, J.

We concur: PUGLIA, P.J.
 RAYE, J.

MONDAY, JUNE 22, 1998 CONTINUED

Juvenile
No.
C027548

IN RE CLAUDIA L., et al., Persons Coming Under the juvenile Court Law.
DEPARTMENT OF SOCIAL SERVICES
vs.

CINDY

The orders are affirmed.

SCOTLAND, Acting P.J.

We concur: CALLAHAN, J.
HULL, J.

Crim.
No.
C026261

THE PEOPLE (Not for Publication)
vs.
WILLIAMS JAMES REE DEES

The judgment is modified to award defendant 136 days conduct credit. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting 275 days custody credit and 136 days conduct credit and to forward a certified copy of the amended abstract to the Department of Corrections.

NICHOLSON, J.

We concur: DAVIS, Acting P.J.
HULL, J.

Crim.
No.
C027275

THE PEOPLE (Not for Publication)
vs.
TROY DEE EMMETT

The judgment is affirmed.

SIMS, Acting P.J.

We concur: MORRISON, J.
HULL, J.

TUESDAY, JUNE 23, 1998

Juvenile In re REBECCA L., a Person Coming Under the Juvenile Court Law.
 No. THE PEOPLE (Not for Publication)
 C026587 vs.
 REBECCA L.

The minor's maximum period of confinement is modified by staying the term imposed on count VI. The juvenile court is directed to modify its records to reflect this modification and to forward to the Director of the Youth Authority an amended order of commitment reflecting this change. As modified, the judgment is affirmed.

RAYE, J.

We concur: SIMS, Acting P.J.
 MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C027926 ADRIEL RODRIGUEZ

The judgment is modified to strike that portion ordering the sentence to run consecutively to defendant's incarceration on the parole revocation matter. As modified, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment reflecting the modification and to forward a copy to the Department of Corrections.

HULL, J.

We concur: SCOTLAND, Acting P.J.
 RAYE, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026843 TODD FRANKLIN CODY

The judgment is modified to include a suspended \$200 restitution fine pursuant to section 1202.45. The trial court is directed to amend the abstract of judgment accordingly and to forward a copy of the amended abstract of judgment to the Department of Corrections. As modified, the judgment is affirmed.

NICHOLSON, J.

We concur: PUGLIA, P.J.
 RAYE, J.

WEDNESDAY, JUNE 24, 1998

Civil NORREEN HEATH
No. vs.
C029192 D. R. MCCLAIN & SON
 PIZZA HUT OF SAN DIEGO INC.
 BY THE COURT:

Pursuant to the written stipulation of counsel, the appeal filed on March 30, 1998, is dismissed. It is further ordered pursuant to said stipulation that the remittitur issue forthwith and the parties will bear their own costs on appeal.

Dated: June 24, 1998

PUGLIA, P.J.

Juvenile In re PAO L., a Person Coming Under the Juvenile Court Law.
No. THE PEOPLE (Not for Publication)
C027696 vs.
 PAO L.

The judgment is affirmed.

SIMS, Acting P.J.

We concur: NICHOLSON, J.
 CALLAHAN, J.

Civil JOHN C. ROCHA JR., ET AL. (Not for Publication)
No. vs.
C018127 BANK OF STOCKTON, ETC., ET AL.
C018263 The judgment is affirmed.
C018265

RAYE, J.

I concur: BLEASE, Acting P.J.
I concur in the judgment and opinion except as to part III, in which I concur in the result.

SCOTLAND, J.

WEDNESDAY, JUNE 24, 1998 CONTINUED

Civil PEARSON-TAYLOR FUND, ET AL. (Not for Publication)
 No. vs.
 C025117 DONALD MARLETTE, ET AL.

The portion of the trial court's order that requires the Fund and Taylor to pay the attorney fees of Marlette, Cornwell and the Toccolis is reversed. In all other respects, the order is affirmed. The parties shall bear their own costs on appeal.

SCOTLAND, J.

We concur: PUGLIA, P. J.
 SIMS, J.

THURSDAY, JUNE 25, 1998

Civil YUBA CYPRESS HOUSING PARTNERS LTD. ET AL.
 No. vs.
 C024819 AREA DEVELOPERS ET AL.
 BY THE COURT:

Respondent's petition for rehearing is denied.

Dated: June 25, 1998

SCOTLAND, Acting P.J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C027422 BRIAN ANTHONY DANIEL
 The judgment is affirmed.

PUGLIA, P.J.

We concur: DAVIS, J.
 MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026841 EDWARD WILLIAM HEFFNER

The judgment (order of probation) is affirmed.

PUGLIA, P.J.

We concur: SIMS, J.
 RAYE, J.

THURSDAY, JUNE 25, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C028270 RUBEN RAMIREZ HERNANDEZ
 The judgment is affirmed.
 PUGLIA, P.J.
 We concur: NICHOLSON, J.
 RAYE, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C025587 OTIS WHITE, JR.
 Crim. THE PEOPLE
 No. vs.
 C025588 OTIS WHITE JR.
 The judgment is affirmed.
 PUGLIA, P.J.
 We concur: SIMS, J.
 RAYE, J.

Civil MARRIAGE OF MARIA AND JOHN ROBINSON
 No. MARIA ELENA ROBINSON (CERTIFIED FOR PUBLICATION)
 C027048 vs.
 JOHN SCOTT ROBINSON, III
 The judgment is affirmed. (CERTIFIED FOR PUBLICATION)
 RAYE, Acting P.J.
 We concur: MORRISON, J.
 CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026860 WALTER LEE KILLIAN
 The judgment is affirmed.
 PUGLIA, P.J.
 We concur: BLEASE, J.
 DAVIS, J.

THURSDAY, JUNE 25, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C024716 DAVID VASQUEZ
 The judgment is affirmed.
 PUGLIA, P.J.
 I concur:
 SCOTLAND, J.
 BLEASE, J. - Concurring opinion
 I concur in the decision and judgment except.....
 BLEASE, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C027060 MICHAEL DWAYNE HICKMAN
 The judgment is affirmed.
 PUGLIA, P.J.
 We concur: DAVIS, J.
 RAYE, J.

Juvenile In re DANIEL V. et al., Persons Coming Under the Juvenile Court Law
 No. SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN
 C027229 SERVICES
 vs.
 MIKHAIL V.
 The judgment is reversed.
 PUGLIA, P.J.
 We concur: BLEASE, J.
 DAVIS, J.

THURSDAY, JUNE 25, 1998 CONTINUED

Civil SOUTHERN SISKIYOU CONCERNED CITIZENS
No. vs.
C023939 CITY OF MOUNT SHASTA ET AL.
Civil SOUTHERN SISKIYOU CONCERNED CITIZENS
No. vs.
C024852 CITY OF MOUNT SHASTA ET AL.

The judgment granting a writ of mandate is reversed and the matter is remanded to the trial court with directions to enter judgment denying plaintiff's petition. The order denying plaintiff's motion for attorney fees is affirmed. Defendants are awarded their costs on appeal

PUGLIA, P.J.

We concur: SIMS, J.
 SCOTLAND, J.

Civil COAST MOTORS, INC. (Not for Publication)
No. vs.
C026482 NEW MOTOR VEHICLE BOARD
 GENERAL MOTORS CORPORATION

The judgment is reversed and the matter remanded to the trial court with directions to enter judgment denying the petition. Oldsmobile shall recover its costs on appeal.

PUGLIA, P.J.

We concur: SIMS, J.
 SCOTLAND, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C027289 STEVEN EDWARD BURRONE

The judgment is affirmed.

PUGLIA, P.J.

We concur: MORRISON, J.
 HULL, J.

THURSDAY, JUNE 25, 1998 CONTINUED

Juvenile In re KANDIS G. et al., Persons coming Under the Juvenile Court Law
No. SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN
C026584 SERVICES

vs.

PAUL G.

The orders appealed from are affirmed.

PUGLIA, P.J.

We concur: DAVIS, J.
 RAYE, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C025167 THEODORE ALVA

The judgment is reversed and the cause remanded to the trial court. If defendant moves to withdraw his no contest plea within 30 days of the finality of our decision, the superior court is directed to vacate the plea and reinstate the information for further proceedings. If defendant does not move to withdraw his plea within the 30-day period, the superior court is directed to reinstate the judgment.

RAYE, J.

We concur: PUGLIA, P.J.
 NICHOLSON, J.

Juvenile In re GABRIEL S. ET AL., Persons Coming Under the Juvenile Court Law.
No. DEPARTMENT OF SOCIAL SERVICES

vs.

ELIZABETH S.

The order terminating parental rights is affirmed.

RAYE, J.

We concur: PUGLIA, P.J.
 HULL, J.

THURSDAY, JUNE 25, 1998 CONTINUED

Civil COUNTY OF LASSEN
No. vs.
C025169 EVERS A. MCCAIN ET AL.

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: SCOTLAND, J.
 CALLAHAN, J.

Civil Conservatorship of the Person and Estate of AMINE NORDINE
No. MARALYN HUNTER, as Conservator etc.,
C027646 vs.

MARALYN HUNTER, individually etc.

The order is affirmed.

RAYE, J.

We concur: PUGLIA, P.J.
 SIMS, J.

FRIDAY, JUNE 26, 1998

Crim. THE PEOPLE
No. vs.
C027061 CLIFFORD DAVID JAYNES
BY THE COURT:

Appellant's petition for rehearing is denied.

Dated: June 26, 1998

PUGLIA, P.J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C024401 STEVEN BETTI

The judgment is affirmed.

MORRISON, J.

We concur: SIMS, Acting P.J.
 CALLAHAN, J.

FRIDAY, JUNE 26, 1998 CONTINUED

Civil W.W.S.M. (Not for Publication)
No. vs.
C027243 GREVE, CLIFFORD, DIEPENBROCK & PARAS
The judgment is affirmed.
MORRISON, J.
We concur: SIMS, Acting P.J.
SCOTLAND, J.

MONDAY, JUNE 29, 1998

Civil LEROY HARRIS
No. vs.
C025789 STEVE ADAMS

BY THE COURT:

Respondent's request to publish the opinion filed on May 28, 1998,
is denied.

Dated: June 29, 1998

BLEASE, Acting P.J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C024843 GREGORY TABAREZ
The judgment is affirmed.
CALLAHAN, J.
We concur: SCOTLAND, Acting P.J.
NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C023971 DONALD L. FAMBRO
The judgment is affirmed.
PUGLIA, P.J.
We concur: SCOTLAND, J.
CALLAHAN, J.

MONDAY, JUNE 29, 1998 CONTINUED

Crim. No. C028077	THE PEOPLE vs. MARY CHRISTEN STUEART	(Not for Publication)
	The judgment is affirmed.	
		MORRISON, J.
	We concur:	BLEASE, Acting P.J. SIMS, J.
Crim. No. C027717	THE PEOPLE vs. RICHARD HOLLAND TATMAN	(Not for Publication)
	The judgment is affirmed.	
		NICHOLSON, J.
	We concur:	SIMS, Acting P.J. DAVIS, J.
Juvenile No. C029355	KANDY L. vs. THE SUPERIOR COURT OF BUTTE COUNTY BUTTE COUNTY CHILD PROTECTIVE SERVICES ET AL.	(Not for Publication)
	The petition is denied.	
		SIMS, Acting P.J.
	We concur:	MORRISON, J. CALLAHAN, J.
Civil No. C026195	TED STEVENSON ET AL. vs. JAMES W. BAUM	(Certified for Publication)
	The judgment is affirmed. Baum shall receive his costs on appeal. (CERTIFIED FOR PUBLICATION)	
		SIMS, Acting P.J.
	We concur:	SCOTLAND, J. MORRISON, J.

MONDAY, JUNE 29, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C027905 KARY JOLSON SMITH

The judgment is affirmed.

DAVIS, Acting P.J.

We concur: NICHOLSON, J.
 HULL, J.

Civil LENA M. DERRAH, individually and as TRUSTEE, ETC.
 No. vs.
 C023341 FRANKLIN S. CIBULA ET AL.

The judgment is reversed. The parties are to bear their own costs on appeal.

MORRISON, J.

We concur: PUGLIA, P.J.
 RAYE, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C024733 DAVID LEWIS WILEY

The judgment is affirmed.

DAVIS J.

We concur: PUGLIA, P.J.
 CALLAHAN, J.

Juvenile THOMAS S. (Not for Publication)
 No. vs.
 C029293 THE SUPERIOR COURT OF SAN JOAQUIN COUNTY
 SAN JOAQUIN HUMAN SERVICES AGENCY ET AL.

The petition for extraordinary writ is denied. The request for stay is denied as moot.

SIMS, Acting P.J.

We concur: MORRISON, J.
 CALLAHAN, J.

MONDAY, JUNE 29, 1998 CONTINUED

Civil GEORGE STOVALL (Certified for Publication)
No. vs.
C026148 CHRIS ANDREWS, As Recorder, etc.

The judgment is affirmed. Defendant shall recover costs on appeal.

PUGLIA, P.J.

We concur: SIMS, J.
 RAYE, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C027233 ROBERT ALLAN HAMBRICK
The judgment is affirmed.
NICHOLSON, J.
We concur: BLEASE, Acting P.J.
CALLAHAN, J.

Civil JEFFREY B. BERGER (Not for Publication)
No. vs.
C027329 LISA SENTER

The judgment (order) is affirmed. Berger shall recover his costs on
appeal.

NICHOLSON, J.

We concur: BLEASE, Acting P.J.
 CALLAHAN, J.

Civil MEHDI DAVALOU (Not for Publication)
No. vs.
C025896 DEPARTMENT OF WATER RESOURCES ET AL.
The judgment is affirmed.
NICHOLSON, J.
We concur: SIMS, Acting P.J.
DAVIS, J.

MONDAY, JUNE 29, 1998 CONTINUED

Juvenile In re MACKENSIE S. ET AL., Persons Coming Under the Juvenile
No. Court Law (Not for Publication)
C027939 ADULT & CHILDREN SERVICES

VS.
DAVID B. SR.

The order of the Siskiyou County Juvenile Court of October 27, 1997, transferring the dependency proceeding to Butte County, is affirmed.

NICHOLSON, J.

We concur: PUGLIA, P.J.
RAYE, J.

Juvenile In re the Marriage of ALMA BENNETT and NORMAN BENNETT
No. ALMA BENNETT (Not for Publication)

VS.
NORMAN BENNETT

The judgment (order) is affirmed.

CALLAHAN, J.

We concur: SIMS, Acting P.J.
 NICHOLSON, J.

Civil STEVEN HOSS (Not for Publication)

No. vs.
C025074 STATE PERSONNEL BOARD
JAMES H GOMEZ, As Director ETC., ET AL.

The judgment is affirmed.

DAVIS, J.

We concur: PUGLIA, P.J.
CALLAHAN, J.

TUESDAY, JUNE 30, 1998

MISC-ORDER

98-05

By the Court:

Associate Justice Coleman A. Blease is appointed to serve as Acting Presiding Justice to discharge the duties described in Rules 75, 76, 77 and 78 of the California Rules of Court during the absence of the Presiding Justice from the California Rules of Court during the absence of the Presiding Justice from the Court on July 10, 1998, or until his return. (See Cal. Const. Art 6, Sec. 3) The senior member of a panel of the Court of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

Dated: June 30, 1998

PULGIA, P.J.

Crim.

THE PEOPLE

(Not for Publication)

No.

vs.

C027545

JEFFREY SCOTT STAFFORD

The judgment is affirmed.

SIMS, J.

We concur:

BLEASE, Acting P.J.

MORRISON, J.

Crim.

THE PEOPLE

(Not for Publication)

No.

vs.

C026274

PHILLIP SCHERR

The judgment is affirmed.

BLEASE, J.

We concur:

PUGLIA, P.J.

DAVIS, J.

Crim.

THE PEOPLE

(CERTIFIED FOR PARTIAL PUBLICATION)

No.

vs.

C026124

JAMES SIMS

The judgment is affirmed.

SCOTLAND, J.

We concur:

PUGLIA, P.J.

SIMS, J.

TUESDAY, JUNE 30, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
No. vs.
C026566 KENNETH GRIGGS

The judgment is affirmed.

NICHOLSON, J.

We concur: BLEASE, Acting P.J.
 CALLAHAN, J.

Juvenile In re BRIANA R., a Person Coming Under the Juvenile Court Law
No. DEPARTMENT OF HEALTH & Human SERVICES
C028126 vs. (Not for Publication)
 GAYLE H.

The orders of the juvenile court are affirmed.

NICHOLSON, J.

We concur: PUGLIA, P.J.
 RAYE, J.

Juvenile MELONEY E. (Not for Publication)
No. vs.
C029510 SUPERIOR COURT OF PLACER COUNTY
 PLACER COUNTY DEPARTMENT OF HEALTH AND HUMAN
 SERVICES ET AL.

The petition and request for a stay are denied.

PUGLIA, P.J.

We concur: RAYE, J.
 HULL, J.

Juvenile JANETTE K.
No. vs.
C029386 SUPERIOR COURT OF PLACER COUNTY
C029393 PLACER COUNTY DEPARTMENT OF HEALTH AND HUMAN
C029396 SERVICES
C029397

The petition and request for a stay are denied.

PUGLIA, P.J.

We concur: RAYE, J.
 HULL, J.

TUESDAY, JUNE 30, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. vs.

C026520 CARLOS RAMARO BURNETT

The judgment is affirmed.

PUGLIA, P.J.

We concur: BLEASE, J.
DAVIS, J.

Juvenile MARY F. (Not for Publication)

No. vs.

C029413 SUPERIOR COURT OF SAN JOAQUIN COUNTY
SAN JOAQUIN COUNTY HUMAN SERVICES AGENCY

The petition and request for stay are denied.

PUGLIA, P.J.

We concur: RAYE, J.
HULL, J.

Civil JOHN HAM ET AL. (Not for Publication)

No. vs.

C027676 JAMES MARRONE ET AL.

The judgment is modified so that the first sentence of paragraph 4 of the judgment reads: "Plaintiffs shall construct an electric gate at the aforesaid location." As modified, the judgment is affirmed. The Marrones shall recover their costs on appeal.

MORRISON, J.

We concur: PUGLIA, P.J.
HULL., J.

Civil COUNTY OF SACRAMENTO COUNTY

No. vs.

C026874 QUAN Q. VU

The judgment is affirmed.

CALLAHAN, J.

We concur: BLEASE, Acting P.J.
NICHOLSON, J.